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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,887	10/29/2001	Jun Takayama	450108-03119	1946
20999	7590	04/19/2005	EXAMINER	
FROMMERM LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			BLOUIN, MARK S	
		ART UNIT		PAPER NUMBER
		2653		

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/980,887	TAKAYAMA ET AL.	
	Examiner	Art Unit	
	Mark Blouin	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 January 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.

4a) Of the above claim(s) 1,3,5-9, and 11-13 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 2,4 and 10 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_\_ .  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)  
Paper No(s)/Mail Date 11/15/04. 6) Other: \_\_\_\_\_.

**Detailed Action**

***Response to Amendment***

- The reply filed January 19, 2005 was applied to the following effect: Claims 2,4, and 10 were amended, and Claims 1,3,5-9, and 11-13 were cancelled.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 2,4, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Ozue et al (USPub 2002/0080533 A1).

3. Regarding Claims 2,4, and 10, Ozue et al shows (Fig. 7), a magnetic head (6) which is mounted on a rotary drum capable of allowing a tape magnetic recording medium to run thereon and moves with the rotation of the rotary drum (1), so as to perform recording on the tape magnetic recording medium (7) or reproducing from the tape magnetic recording medium, the magnetic head comprising a surface for facing the tape magnetic recording medium and for performing hydrodynamic interference (inherent – air bearing surface of rotary drum created due to the spin) with the tape magnetic recording medium while moving by the rotation, and a recording/reproducing portion (64) for producing magnetic interference with the tape magnetic recording medium in a non-contact state, wherein the surface is a smooth flat surface, the tape magnetic recording medium is brought toward the surface due to a pressure difference between a

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drum side and an outside surface side of said tape magnetic recording medium (inherent – the spinning, curved surface of the drum creates a lower pressure beneath the tape than the pressure on the outside of the tape, which in turn brings the tape toward the lower pressure) and the recording/reproducing portion is placed outside an area where the tape magnetic recording medium contacts the surface by the hydrodynamic interference and is provided so as to be able to perform at least either recording or reproducing by the magnetic interference with the tape magnetic recording medium in a non-contact state (tape is above surfaces 64 a,b,c) , wherein the surface facing to the tape magnetic recording medium is a smooth curved surface having a curvature gentler than the curvature of the rotary drum.

***Response to Arguments***

4. Applicant's arguments regarding Claim 2 have been fully considered but they are not persuasive.

Applicant asserts on page 6 :

The limitations of “ ... the tape magnetic recording medium is brought toward the surface due to a pressure difference between a drum side and an outside surface side of said tape magnetic recording medium ...” is not disclosed by Ozue et al.

The Examiner maintains that limitation is inherent and recites a property of physics in that an object subjected to a pressure difference will move toward the lower pressure (e.g., the pressure above the wing of a flying aircraft is lower than beneath the wing, hence the wing moves toward the lower pressure thus creating lift).

Therefore the rejection of Claim 2 is upheld.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Blouin whose telephone number is (703) 305-5629. The examiner can normally be reached M-F, 6:00 am – 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful the examiner's supervisor, William Korzuch can be reached at (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314 for regular and After Final communications.

Any inquiry of general nature or relating to the status of application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

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Mark Blouin  
Patent Examiner  
Art Unit 2653  
April 7, 2005

**A. J. HEINZ**  
**PRIMARY EXAMINER**  
**GROUP 2653 A.U. 2653**

*A. J. Heinz*